

REMARKS

Claims 13-22 currently appear in this application. The Office Action of August 30, 2005, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claims 1-2, 5, 7-9 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Symons.

This rejection is respectfully traversed. New claims 13-22 contain the limitation that the assembly is sufficiently flexible to wrap around any shaped structure. Support for this limitation can be found in the specification at paragraph 0018. There is nothing in Symons that even suggests that the assembly is sufficiently flexible to be wrapped around any shaped structure, as the rigidity of the structure of Symons is polymerized to give the desired degree of rigidity, implying that the structure has at least some rigidity. It is not possible to wrap a rigid assembly around any shaped structure.

Claims 1-2, 5, 7-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfisterhammer in view of Symons.

This rejection is respectfully traversed.

Pfisterhammer discloses structural materials having a lattice like form and consisting at least in part of a component of great strength and ductility such as steel, aluminum, or the like, or a synthetic material of suitable nature, such as a polyamide (column 1, lines 1-6). It is clear from a reading of the entire Pfisterhammer disclosure that the material described therein is not made of two flexible films, but is a rigid structural material that, while having high elastic deformability in every direction of stress, is used as a structural material combining a maximum of elasticity with a maximum of admissible load. For example, at column 6, lines 43-71, the structures of Pfisterhammer can be used to replace an element made of steel alone since the lattice-like structure provide a mechanical strength practically identical with or only inconsiderably lower than steel. The structure may be used in constructing the hull of a ship or aircraft, or road surfaces and runways for aircraft, decorative floors and window cases.

Contrary to the Examiner's assertion, 19, 19' and 19" are not flexible films as in the present invention, but are a plurality of laminations of the basic material. There is nothing in Pfisterhammer that would lead one skilled in the art to assume that 19, 19' and 19" are flexible films. Not that

if the shaped structure is to be used as an armor plate consisting of steel laminations totaling 35 cm in thickness, the individual laminations may be approximately 1.5 cm thick (column 3, lines 37-41).

There is also no disclosure or suggestion that the filler material has the flow properties of a liquid, as required by the present invention. Pfisterhammer uses small-sized granular filling material that is either mixed with the basic material prior to casting (column 3, lines 59-60, "the filling material is cast into the basic material of the structure illustrated in Figure 12), or is pressed together between sheets of the basic material, in layers of a thickness comparable with the size of the granules (column 7, lines 11-14). Alternatively, the basic material is concentrated in the zone of tension (top) while the filling material is concentrated in the zone of pressure (bottom). The marginal zones of the plate contain no filing material in order to enable the plate to be welded to other plates (column 3, lines 54-68). In contrast thereto, applicant's pockets are filled with shock attenuating material that mimics the flow properties of a liquid. Pfisterhammer states at column 6, lines 30-31, that the filler may be of coarsely or finely granular form. This is quite different from the present invention, which requires a finely granulated filling when the

filling is solid, so as to mimic the flow properties of a liquid.

Symons adds nothing to Pfisterhammer, because Symons discloses a rigid structure, not a flexible assembly as claimed herein. It is respectfully submitted that the Condensed Chemical Dictionary and Material Handbook do not make it possible to infer that the polyester resin of Symons is flexible. There is no way of knowing what type of polyester resin Symons uses in the panels, and, as the Condensed Chemical Dictionary indicates, polyester resins cure or harden at room temperature. That is, polyester resins are hard materials. It is respectfully submitted that a panel would inherently be rather rigid so that it could maintain its shape while acting as a panel, not as a flexible wrap, so that a hard polyester resin would be used. With respect to column 4, lines 66-68, Symons states that the thermosetting resin has been polymerized to give the cellular core the required degree of rigidity. That is, the polymer has been prepared so that it is rigid, indeed, rigid enough to produce a panel that stands alone.

Submitted herewith is a copy of page 6 of Bjorkster Research Laboratories, *Polyesters and Their Applications*, Reinhold Publishing Corporation, New York, 1956, that states that thermosetting polyesters have little flexibility and are

thermosetting, that is, once cured, it cannot be softened by heating and reformed. Even at high temperatures, the cured plastic is incapable of much deformation and is infusible and insoluble. [emphasis added] Even though some polyester resins can be flexible, a thermoset polyester resin is rigid, which is what one skilled in the art would want for producing a panel.

With respect to column 6, lines 41-46, the liquid composition with which the corrugated cardboard is impregnated is a thermosetting resin (see abstract, claim 1), or the panel would not be sufficiently rigid to be a panel. Corrugated cardboard impregnated with a liquid which is then not cured could not stand as a panel. While thermoset polyester is a plastic in that it is a polymer, it is not a plastic in the sense of flexibility, which is what is required in the present invention.

Contrary to the Examiner's assertion that Symons teaches a shock wave attenuating material that has the flow properties of a liquid, citing column 5, lines 12-20, there is nothing at all in this recitation that even suggests that the shock wave attenuating material has the flow properties of a liquid. According to Symons, the cellular core is filled with a filler composition comprising a mixture of an inorganic insulating material and a material which releases water at

elevated temperatures, in granular form. This is not the same as material that has the flow properties of a liquid. Symons uses the insulating material to provide an insulating and fire-proof filling for the open cellular core of the composite panel (column 5, lines 18-20). The materials that release water at elevated temperatures (column 5, lines 21-40) are used to reduce the temperature of the panel in the event of a fire. This has nothing to do with the flow properties of the filler at room temperature.

Perlite can be made in many different particle sizes. Webster's definition of perlite as small spheroids used in plant growth medium has nothing at all to do with flow properties of a liquid. The Examiner has not given any reason that one would expect plant growth medium perlite to have the flow properties of a liquid.

Claims 1, 5, 7-9, and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Abbott.

This rejection is respectfully traversed. Abbott does not disclose shock absorbent material. Abbott's material 68 is material that absorbs oil (column 6, lines 54-59). This material 68 is contained in pockets 65-67 that are made of a commercial nylon susceptible to rupture in the event an explosion occurs in the transmission or bell housing. Upon rupture of the pockets by fragments of the housing, the oil

contained within the respective housings are rapidly absorbed by the absorbent material so that little, if any, of the petroleum product is available for either burning or deposit onto the roadway or tack over which the vehicle is traveling (column 6, lines 50-59). In the Abbott explosion cover, the device comprises an elongated sleeve for enclosing a plurality of layers of ballistic textile plastic material sheets. The material in the pockets is not for shock absorption, but for absorbing oil to prevent burning or deposit onto the roadway if the pockets containing the absorbent are ruptured.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott in view of Symons.

This rejection is respectfully traversed. As noted above, Abbott does not teach a shock attenuating material, but rather teaches a petroleum absorbent material. Symons does not teach that perlite is a shock attenuating material. Symons discloses that perlite is used in the panel as an insulating material. There is nothing in Symons that even suggests that the insulating materials are used for shock absorption. Neither Abbott nor Symons discloses a shock absorbing filler material.

Claims 1, 5, 7-8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Poisson et al.

This rejection is respectfully traversed. Poisson does not disclose shock-attenuating material in the bags. Rather, Poisson discloses sand in the bags. There is nothing in Poisson that would lead one skilled in the art to believe that sand is a shock attenuating material. Moreover, when they are used as sand bags, the bags are filled such that they are useful as a constructional component in permanent engineering installations such as dams, dykes, levees, bulkheads, jetties, groins, piers, docks, breakwaters, etc. There is nothing that would lead one skilled in the art to expect that these sand bags have shock attenuating properties—they are merely to provide structural strength to an installation.

Claims 1, 5, 7-8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Winston.

This rejection is respectfully traversed. Winston discloses a body exercise device comprising weight pockets containing a measured amount of particulate material, such as sand or metal shot. In Winston the particulate material is introduced into the pockets for adding weight to the device. This has nothing at all to do with shock attenuation, unlike the present invention.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winston in view of Miguel et al.

This rejection is respectfully traversed. As noted above, Winston has nothing to do with shock attenuation, as the device is an exercise device for adding weight to a person's limbs. Miguel discloses a thermal barrier comprising a heat responsive intumescent insulating material partially filling open cells in a layer of fire retardant honeycomb material. The thermal barrier is adhesively bonded to the inner surface of an aircraft skin panel. It is not understood what is the motivation for combining a disclosure of a weighted exercise device with a thermal barrier to render obvious a claim for a shock attenuating material.

It is noted that the prior art made of record and not relied upon is merely considered to be pertinent to applicant's disclosure.

Applicant appreciates the Examiner's suggestion of an allowable claim. This claim has been submitted as new claim 22. However, it is believed that claims 13-21 are also allowable, as none of the art cited, either alone or in combination, discloses or suggests a flexible assembly comprising a first film of a flexible resin material, a second film of a flexible resin material, said second film having attached pockets spaced from each other along the second film, the first film attached to the second film via a plurality of seams, the seams surrounding each of the spaced pockets in

such a way as to make the assembly flexible, and wherein each of the pockets is filled with a shock wave attenuating material having the flow properties of a liquid. It is believed that the term "film" better describes the assembly of the present invention, as "strip" connotes a narrow configuration, and it is clear from the present disclosure that the assembly can comprise a strip or an assembly with pockets distributed vertically and horizontally along the assembly.


Submitted herewith are copies of a press release from Blastgard International, Inc. and a copy of an *Aviation Week* conference announcement. It should be noted that *Popular Science* has named Blastgard, International a "Best of What's New Award" for its Blastwrap® technology for mitigating blasts. Additionally, *Aviation Week* program in which Blastgard Technologies, Inc. is the recipient of a technology innovation award for 2005 for its Blastwrap® material, the subject of the present application.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Appln. No. 10/630,897
Amd. dated November 14, 2005
Reply to Office Action of August 30, 2005

Respectfully submitted,

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POLYESTERS

AND

THEIR APPLICATIONS

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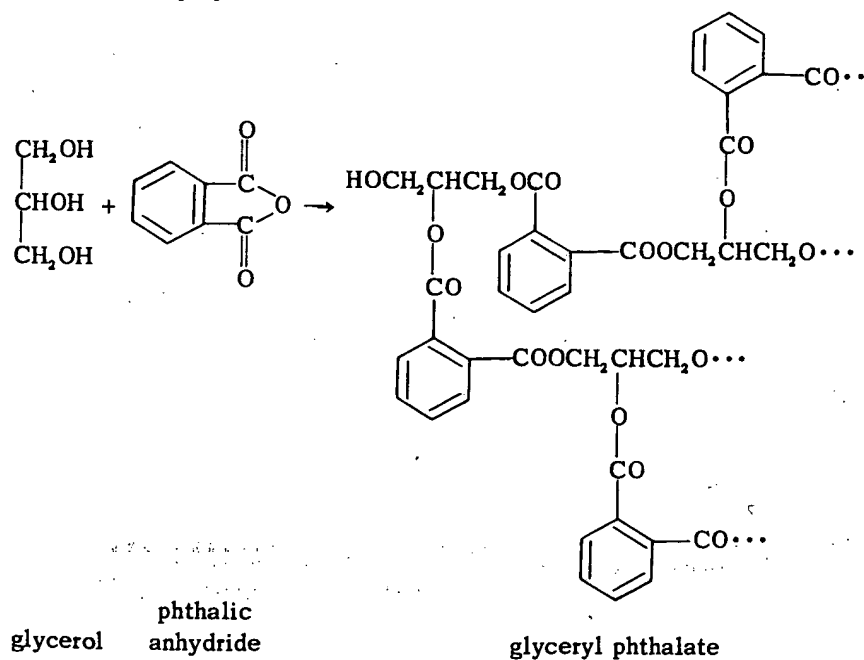
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NEW YORK

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High polymers produced by reaction between compounds whose functionality is greater than 2 are not thermoplastic (1151). If at least one of the monomers partaking in the reaction has an active functionality of 3 or higher, a space network (or three-dimensional) type of high polymer may result. In a completely cured polymer of this type, the whole structure is, in effect, one enormous molecule in which each carbon atom is bound to any other carbon atom by primary valence bonds.¹ The phthalic anhydride-glycerol polycondensation is an example of a 2:3 reaction resulting in such a polymer:



A compound with such a structure has little flexibility and is thermosetting, that is, once cured it cannot be softened by heating and reformed. Even at high temperatures the cured plastic is incapable of much deformation and is infusible and insoluble.

Various phases of reaction are possible. The phenolics, for example, pass through three stages during polymerization. Stage A represents the monomeric stage; stage B, the partially polymerized but not completely cured (thermosetting) stage; and stage C, the completely cured (thermo-

¹H. P. Staudinger, who first championed the theory that high polymers are single molecules in which the atoms are connected with primary valence bonds, was given the Nobel Prize for Chemistry in 1953 in recognition of his work.

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MATERIALS HANDBOOK

An Encyclopedia for Purchasing Agents
Engineers, Executives, and Foremen

by GEORGE S. BRADY

EIGHTH EDITION

New York Toronto London
McGRAW-HILL BOOK COMPANY, INC.
1956

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acetone and 80 bromoacetone. Bretonite is Iodoacetone, $\text{CH}_3\text{COCH}_2\text{I}$, a brownish liquid boiling at 102°C , mixed with stannic chloride as a lachrymator. Manguinite is Cyanogen chloride, CnCl , which boils at 13°C , and is a lachrymator. Mixed with arsenic trichloride to make it more toxic it was used under the name of Vitrite. Campillit is Cyanogen bromide, CNBr , a white solid melting at 52°C and vaporizing at 61.3°C . The fumes are highly toxic, paralyzing the nerve centers. Diphenylchloroarsine, or Blue cross $(\text{C}_6\text{H}_5)_2\text{AsCl}$, is a Sneezing gas which penetrates gas masks, forcing their removal. It affects chiefly the nose and throat, but is used with other more violent gases. Adamsite, is a greenish granular solid of the composition $(\text{C}_6\text{H}_4)_2\text{NHAsCl}$, which has a pleasant odor but burns the nose and throat. Many of the lachrymators have important industrial uses. Phenyl isocyanate, $\text{C}_6\text{H}_5\text{NCO}$, is a water-white liquid of specific gravity 1.101 and boiling point 162°C , used for the production of alkyd resins, ureas, urethanes, and other chemicals.

Polonium. A rare metallic element, symbol PO, belonging to the group of radioactive metals, but emitting only alpha rays. The melting point of the metal is about 1800°C . It is used in meteorological stations for measuring the electrical potential of the air. Polonium-plated metal in strip and rod forms is produced by the Canadian Radium & Uranium Corp. for use as a static dissipator in electrical equipment and textile coating machines. The alpha rays ionize the air near the strip, making it a conductor and drawing off static electrical charges.

Polyester resins. A large group of synthetic resins produced by condensation of acids such as maleic, phthalic, or itaconic, with an alcohol or glycol such as allyl alcohol or ethylene glycol, to form an unsaturated polyester which, when polymerized, will give a cross-linked, 3-dimensional molecular structure, which in turn will copolymerize with an unsaturated hydrocarbon such as styrene or cyclopentadiene to form a copolymer of complex structure of several monomers linked and cross-linked. At least one of the acids or alcohols of the first reaction must be unsaturated. The polyesters made with saturated acids and saturated hydroxy compounds are called Alkyd resins, and these are largely limited to the production of protective coatings and are not copolymerized.

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The resins undergo polymerization during cure without liberation of water, and do not require high pressure for curing. Through the secondary stage of modification with hydrocarbons a very wide range of characteristics can be obtained. The most important use of the polyesters is as laminating and impregnating materials, especially for large structures because of the need for only low pressure. The resins have high strength, good chemical resistance, high adhesion, and capacity to take bright colors. They are also used, without fillers, as casting resins, for filling and strengthening porous materials such as ceramics and plaster-of-paris articles, and for sealing the pores in metal castings. Some of the resins have great toughness, and are used to produce textile fibers and thin plastic sheet and film. Others of the resins are used with fillers to produce molding powders that cure at low pressure of 500 to 900 psi with fast operating cycles. Some of the polyesters have rubber-like properties, and are called Polyester rubber. Vulcollan, of the Goodyear Tire & Rubber Co., is such a resin with higher wear resistance and chemical resistance than GR-S rubber. It is made by reacting adipic acid with ethylene glycol and propylene glycol and then adding diisocyanate to control the solidifying action. It can be processed like rubber, but solidifies more rapidly. Hetron resins, of the Hooker Electrochemical Co., are fire-resistant and will withstand temperatures to 400°F, with strength, toughness, and adhesiveness equal to the polyesters. The resin is produced from pentane by chlorination to hexachloro cyclopentadiene, then condensed with maleic anhydride and hydrolyzed to Het acid, a complex chlorinated phthalic acid. This acid is reacted with glycols and maleic anhydride to give a hard polyester resin which is then cross-linked with styrene to give the liquid Hetron resin which will cure with heat and a catalyst to an insoluble solid. The resin contains 30% chlorine. It is used for making laminated or reinforced plastics. FR resin, of the Interchemical Co., is a flame-resistant chlorinated polyester resin that will cure at room temperature. It is used for such lay-up lamination work as boat building and tank construction, and for general purpose molding. Transparent thermoplastic polyester resins are made by copolymerizing esters of itaconic acid with vinyl chloride, methacrylate, or acrylonitrile. Itaconic acid, $\text{CH}_2:\text{CCH}_2(\text{COOH})_2$, is made from anhydrous glucose.

Reinforced polyester plastics are usually made with a high pro-

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portion of glass fiber mat or glass fabric, but plastics of high strength may also contain a high proportion of filler. A resin slurry may contain as high as 70% calcium carbonate or calcium sulphate, with only about 11% of glass fiber added, giving an impact strength of 24,000 psi in the cured material. Bars and structural shapes of glass-fiber reinforced polyester resins of high tensile and flexural strengths are made by having the glass fibers parallel in the direction of the extrusion. The Glastrusions of the Hugh C. Marshall Co., in the form of rods and tubes, are made by having the glass fiber rovings carded under tension, then passing through an impregnating tank, an extruding die, and a heat-curing die. The rods contain 65% glass fiber and 35 resin. They have a flexural strength of 64,000 psi, and a Rockwell M hardness of 65.

Polystyrene. A synthetic resin used for molding, in lacquers, and for coatings, formed by the polymerization of monomeric Styrene, which is a colorless liquid of the composition $C_6H_5CH:CH_2$, specific gravity 0.906, and boiling point $145^\circ C$. It is made from ethylene, and is ethylene with one of the hydrogen atoms replaced by a phenyl group. It is also called Phenyl ethylene and Vinyl benzene. As it can be made by heating Cinnamic acid, $C_6H_5CH:CHCO_2H$, an acid found in natural balsams and resins, it is also called Cinnamene. In the form of Vinyl toluene, which consists of mixed isomers of methyl styrene, the material is reacted with drying oils to form alkyd resins for paints and coatings. The polymerized resin is a transparent solid very light in weight with a specific gravity of 1.054 to 1.070. The tensile strength is 3,000 to 8,500 psi, compressive strength 12,000 to 17,000 psi, and dielectric strength 450 to 600 volts per mil. Polystyrene is notable for water resistance and high dimensional stability. It is also tougher and stronger at low temperatures than most other plastics. It is valued as an electrical insulating material, and the films are used for cable wrapping. The films are heat-sealing at above $70^\circ C$. The molding plastic is used for cosmetic containers, clock crystals, gage dials, and aircraft panels. For coating purposes plasticizers are added to increase pliability, but are not needed for molding. The plastic has good fluidity and is especially suited for injection molding. The polymer used in England for injection molding is called Distrene. Styroflex was a German poly-

styrene in thin Naugatuck Che Lustron is the styrene plastic. and short mold resin used for s alkaline solutio with a specific ; light pastel col water-resistant ; mil. It is not in aromatic hyc 860, of the Fir molds easily in has a tensile st well hardness c tuff, of the Ko is 60% polyst specific gravity tortion point o.

Styron, of th and Styraloy is polystyrene pla is a high-mole 25 isoprene. I as an internal white hard soli brittleness. It rubber, and is it will fracture ings, and as a son Alkali Wc a catalyst as a dielectric stren easily and pro and good elect with greater e film for packa

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2. **UHL Research Associates** for the Flight Reconstruction System (this is an inexpensive add-on potential).
3. **Green Hills Software** for its Integrity 178B Real-Time Operating System (used for Boeing system being built by Honeywell).
4. **Sodern** (a 90% EADS Space Transportation-owned entity) for the Hydra Star Sensor sensor technology for smaller spacecraft).
5. **BlastGard Technologies Inc.** for BlastWrap, a material that mitigates explosive power.

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BLASTGARD INTERNATIONAL RECEIVES POPULAR SCIENCE® 2005 "BEST OF WHAT'S NEW" AWARD FOR ITS "BLASTWRAP®" TECHNOLOGY

Clearwater, FL November 8, 2005 — BlastGard International's, (OTCBB:BLGA), "BlastWrap®" technology has been named a recipient of a 2005 Popular Science® "Best of What's New Award" in the General Innovation category.

Each year, the editors of Popular Science® evaluate thousands of new products and innovations across 12 categories. The winners will be featured in a special editorial section of the December issue of Popular Science®. The issue will be available at newsstands on November 15, 2005. Winners will also compete for a "Reader's Choice" award to be announced in January 2005.

BlastWrap® technology is a product that is designed to mitigate blasts and suppress blast thermal output and the ensuing fires from blasts and explosions, regardless of the material or compound that causes the explosion. BlastWrap® is configurable and consists of two flexible films arranged one over the other and joined together by a plurality of seams filled with volcanic glass beads and an extinguishant that offers a revolutionary protection system against blast and fire/burn threats. BlastWrap® can be wrapped around or conform to any shape, and it is being used in applications such as trash receptacles, oil pipelines, transportation vehicles etc.

"As a recipient of a coveted 2005 Popular Science® "Best of What's New Award", we at BlastGard are extremely gratified and proud that our BlastWrap® technology has been recognized as a breakthrough technology by the world's most respected science and technology magazine," said James Gordon.

Mr. Gordon continued, "We believe that as BlastWrap® becomes known in the marketplace, it will revolutionize the way the world's governments and private industries deal with threats from explosive devices. BlastWrap® is meant to save lives and reduce the damage caused by explosions in a way that is extremely effective but not intrusive.

Popular Science® (www.popsci.com) is published by Time4 Media®, the world's leading publisher of leisure magazines. Founded in 1872, POPSCI is the world's largest science and technology magazine, with a circulation of 1.45 million subscribers and a readership of more than 6.5 million people.

About BlastGard International, Inc.

BlastGard International, Inc. creates, designs, develops, manufactures and markets proprietary blast mitigation materials. The Company's patent-pending BlastWrap® technology effectively mitigates blast effects and suppresses post-blast fires. This unique technology can be used to create new, finished products or be used to retrofit to existing products. While the need for this technology has always been present, the security and safety concerns resulting from the September 11, 2001 acts and the subsequent development of Homeland Security make the timing of the Company's emergence even more important. The Company's core market focus is on blast effects mitigation for the commercial sector, military, law enforcement and government agencies. BlastWrap® is based upon well-defined principles and suppresses blast pressures by 50% or more. BlastWrap® products are made from two flexible films arranged one over the other and joined by a plurality of seams filled with attenuating filler material (volcanic glass bead or other suitable two-phase materials), configurable (designed for each application) with an extinguishing coating that offers a revolutionary blast protection system against Blast & Fire/burn threats. BlastWrap® is a blast mitigation assembly that can be wrapped around or conform to any shape. BlastWrap® is a concept (not a chemical compound) from which blast protection products are built to save lives and reduce damage to valuable assets from explosions. Additional information on BlastGard can be found at <http://www.blastgardintl.com>.

"Safe Harbor" statement under the Private Securities Litigation Reform Act of 1995: Except for historical information, all of the statements, expectations and assumptions contained in the foregoing are forward-looking statements that involve a number of risks and uncertainties. It is possible that the assumptions made by management are not necessarily the most likely and may not materialize. In addition, other important factors that could cause actual results to differ materially include the following: the Company's ability to market its products; the Company's ability to obtain additional funding; the Company's ability to obtain regulatory approvals on new products, the general economy; competitive factors; ability to attract and retain personnel; the price of the Company's stock; and other risk factors. The Company takes no obligation to update or correct forward-looking statements.

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